

**B.5.4 SIN 599-4, Air Charter Services – Owner Operated**. The Service Contract Act applies to SIN 599-4.

DoD use of commercial charter air service is restricted per Defense Transportation Regulation (DTR), 4500.9-R-Part I, Passenger Movement, Chapter 103. DoD's USTRANSCOM currently provides air charter services for all full-plane charter DoD missions exclusively and DoD personnel are directed to use these services as instructed by Chapter 3 of DTR 4500.9-R-Part I. DoD customers needing domestic air charter services must contact USTRANSCOM's Acquisition Directorate, National Transportation Division (TCAQ-R), Ms. Tammy Thovenot at 618-220-7138. DoD customers needing international charter services must contact USTRANSCOM's International Charter Services Division (TCAQ-C), Ms. Agnes Womble at 618-220-7151.

**I. DEFINITIONS:**

**14 CFR Part 119:** Title 14 of the Code of Federal Regulations Part 119, issued by the Federal Aviation Administration (FAA), prescribes the certification requirements an operator must meet in order to obtain and hold a certificate authorizing operations under Parts 121 or 135 and operation specifications for each kind of operation to be conducted in each class and size of aircraft.

**14 CFR Part 121:** Title 14 of the Code of Federal Regulations Part 121, issued by the Federal Aviation Administration (FAA), prescribes operating requirements governing the domestic, flag, and supplemental operations of each person who holds or is required to hold an Air Carrier certificate or operating certificate under Federal Aviation Regulations Part 119.

**14 CFR Part 135:** Title 14 of the Code of Federal Regulations Part 135, issued by the Federal Aviation Administration (FAA), prescribes rules governing commuter and on-demand operations of each person who holds or is required to hold an Air Carrier Certificate or Operating Certificate under FAA Part 119.

**Ad Hoc charter:** Ad Hoc charter may be viewed as an extension limb of the on-demand charter. This situation usually arises when a client is on an on-demand trip and needs to fly additional segments that did not exist in the original on-demand agreement at the point of trip origin. For example, a trip that was originally planned as a Washington D.C. to Boston roundtrip now requires additional segments such as a Chicago round trip.

**Block Charter:** Refers to a situation where a client pre-purchases a set amount of hours (e.g. 25, 50, or 100 hours) from an operator. Based on the actual flight time that a client uses, the appropriate time is deducted from the pre-purchased amount. Additional restrictions, rules, and regulations will vary greatly based on the specific contract and terms and conditions accompanying the situation.

**Charter operator:** A company or individual that holds either a Part 121 or 135 aircraft charter certificate and provides charter services to retail and wholesale customers. Contracts under this schedule are limited to operators holding either a Part 121 or 135 certificate.

**Civil Aviation Authority (CAA):** Is the name for the national body governing civil aviation in a number of countries. In the United States of America, the CAA is the Federal Aviation Administration (FAA).

**Code of Federal Regulations (CFR):** Is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the Federal Government of the United States. The CFR is published by the Office of the Federal Register, an agency of the National Archives and Records Administration.

**Federal Acquisition Regulations (FAR):** Is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR.

**Federal Aviation Regulations (FARs):** are rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States. The FARs is part of Title 14 of the Code of Federal Regulations (CFR). A wide variety of activities are regulated, such as airplane design, typical airline flights, pilot training activities, hot-air ballooning and even model rocket launches. The rules are designed to promote safe aviation, protecting pilots, passengers and the general public from unnecessary risk. They are also intended to protect the national security of the United States, especially in light of the September 11, 2001 attacks.

**Federal Travel Regulation:** Title 41 of the Code of Federal Regulations Parts 300-304, issued by the General Services Administration, implements statutory requirements and Executive Branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

**Government aircraft:** Any aircraft owned, leased, chartered or rented and operated by an Executive Agency. An aircraft that is operated for the exclusive use of an executive agency and is a—

- (a) Federal aircraft, which an executive agency owns (*i.e.*, holds title to) or borrows for any length of time under a bailment or equivalent loan agreement. See 41 CFR 102-33.20 for definition of all terms related to Federal aircraft, or
- (b) Commercial aircraft hired as commercial aviation services (CAS), which an executive agency—
  - (1) Leases or
  - (2) Lease-purchases with the intent to take title or
  - (3) Charters, rents, or
  - (4) Hires as part of a full-service contract or inter-service support agreement (ISSA).

**Landing Fees:** A charge paid by an aircraft to an airport company for landing at a particular airport. Landing fees can vary greatly between airports, with congested airports, ones where most of the landing slots are held by airlines being able to charge premium prices because of supply and demand, while less congested airports charge less because the demand is not as high. The money generated by landing fees is used to pay for the maintenance or expansion of the airport's buildings, runways, aprons and taxiways.

**Non-scheduled Operation:** Any common carriage passenger-carrying operation for compensation or hire, using aircraft designed for at least 31 passenger seats, conducted by an air carrier for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative. This includes any passenger-carrying supplemental operation conducted under 14 CFR Part 121 and any passenger-carrying public charter operation conducted under 14 CFR Part 380.

**Office of Management and Budget (OMB) Circular A-126, Improving the Management and Use of Government Aircraft:** Is intended to minimize cost and improve the management and use of Government aviation resources. It prescribes policies to be followed by Executive Agencies in acquiring, managing, using, accounting for the costs of, and disposing of aircraft. It restricts the operation of Government aircraft to defined official purposes; restricts travel on such aircraft; requires special review of such travel on Government aircraft by senior officials or non-Federal travelers; and codifies policies for reimbursement for the use of Government aircraft. Requires each agency's aircraft programs comply with the internal control requirements of OMB Circular No. A-123 and that the internal controls are included in the agency's Management Control Plan.

**On-Demand Charter:** Occurs when a client's need for utilizing air services surfaces. For example, a client may go directly to the airport or make arrangements by phone to make arrangements for a specific trip. Usually, on-demand charter is a one time trip with high probability that the trip will not be repeated with high frequency. If the trip occurs in set pattern of high frequency, the client is better advised to engage in a block charter arrangement. For example, a client may make arrangements when there is a sudden need to fly from Washington D.C. to Boston. (One way or round trip).

**Operational Control:** A direct air carrier or commercial operator (certificate holder) certificated by the Federal Aviation Administration (FAA) includes any person or entity that provides or offers to provide transportation by air and who maintains control over the operational functions performed in providing that transportation. To legally act as a direct air carrier, a person or entity must hold an FAA Title 14 of the Code of Federal Regulations (14 CFR) Part 119 certificate and comply with applicable regulations. Throughout this section, the terms "air carrier," "certificate holder," or "operator" will mean the holder of either an Air Carrier Certificate or Operating Certificate issued with operation specifications (OpsSpecs), authorizing operations under Part 135, including those authorized operations under both Parts 121 and 135.

**Point of Sale:** A traditional charter format where each trip is bid separately. This includes on-demand and ad-hoc services. There are no guarantees on pricing or availability until the charter is booked. The offeror may charge explicitly for all aspects of the flight (including non-occupied flights to position the plane).

**Trip:** All flights to be operated for the Government under this contract.

**NOTE TO FEDERAL AGENCIES SEEKING PASSENGER AIR CHARTER SERVICES THROUGH THIS SCHEDULE:**

Any passenger services obtained under this schedule must be recognized as travel on Government aircraft. Therefore, agencies seeking to hire or charter aircraft through this schedule to carry Federal and/or non-Federal travelers may do so only in accordance with the requirements contained in 41 CFR 102-33.215, 41 CFR 102-33.220, and the Federal Travel Regulation (41 CFR 301-70.900-910).

**REQUIREMENT FOR OPERATORS:**

Operators are expected to assist Federal Agencies seeking passenger charter services under this schedule to facilitate Federal Agency compliance with the necessary documentation and reporting requirements contained 41 CFR 102-33.215, 41 CFR 102-33.220, and the Federal Travel Regulation (41 CFR 301-70.900-910).

41 CFR 102-33.215 addresses an agencies entitlement to use Government aircraft to carry passengers; 41 CFR 102-33.220 outlines the responsibilities of an agency's aviation program in justifying the use of a Government aircraft to transport passengers; and 41 CFR 301-70.900-910 outlines policies and procedures for agencies that own or hire Government aircraft for travel.

**(1) DESCRIPTION OF WORK**

The Contractor shall provide passenger air charter service and related passenger services to assist the Government in meeting its travel needs for various types of domestic and international travel. Services under this schedule are limited exclusively to Civil-Use operations. Prior to placement or acceptance of orders, all agency protocol and oversight statutes must be met including going through the agency's Air Craft Office and/or Senior Aviation Management (as established under OMB Circular A-126).

**(2) SCOPE & COMPLEXITY**

This solicitation applies to non-scheduled operations of air transportation conducted under:

(a) 14 CFR Part 121 ("Supplemental Operations")

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgFAR.nsf/MainFrame?OpenFrameSet](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgFAR.nsf/MainFrame?OpenFrameSet)

(b) 14 CFR Part 135 ("Commuter and On-Demand Operations")

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgFAR.nsf/MainFrame?OpenFrameSet](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgFAR.nsf/MainFrame?OpenFrameSet)

**(3) CHARTER OPERATOR REQUIREMENTS (Parts 121 and 135)**

(a) In order to receive an initial GSA schedule award, the carrier is required to demonstrate compliance with the necessary regulatory, legal, policy requirements, various safety standards and performance measures as outlined below:

(a.1) Required to be IOSA (IATA Operational Safety Audit Program) registered. This applies to 121 operators only. Operator must provide proof of certificate and must be placed on IATA registry website. Eligibility must be verified at [www.iata.org/ps/certification/iosa/registry.htm](http://www.iata.org/ps/certification/iosa/registry.htm).

(a.2) NOTE Exception: In lieu of an applicant (offeror) meeting the requirements of paragraph (3)(a.1) of this section, a full review of the offer may occur if the carrier has passed a safety audit conducted by an accredited FARs Part 121//135 audit services provider within the last twelve (12) months.

(a.3) Carrier must demonstrate compliance with “Audit Standards” as outlined in Section (h), “Audit Standard Requirements,” of this solicitation.

(a.4) Sections (e) and (f) below of this solicitation identifies upfront and ongoing performance measures that carriers need to provide to win and maintain a GSA schedule award.

(a.5) All Operators must have approval from the FAA. Further mandates and safety requirements are provided in Section (c) of this solicitation and may be specified by the ordering agency.

(a.6) Part 135 Operators must be in compliance with applicable regulations as outlined in Federal Aviation Regulations Part 135: Operating Requirements: Commuter & On-Demand Operations & Rules Governing Persons on Board Such Aircraft.

(a.7) Part 121 Operators must be in compliance with applicable regulations as outlined in Federal Aviation Regulations Part 121: Operating Requirements: Domestic, Flag, and Supplemental Operations.

**(b) Required Insurance and Liability Coverage** Prior to performance of any services hereunder, the Contractor shall procure and maintain during the entire period of performance under this contract the following insurance.

(b.1) Liability Insurance. The Operator shall maintain, or cause to be maintained at its sole expense, bodily injury and property damage liability insurance.

(b.2) Hull Insurance. The Operator shall maintain, or cause to be maintained at its sole expense, all risks aircraft hull insurance in an amount equal to the value of the aircraft. Such policy shall designate the Operator and any first lien mortgage holder as loss payees as their interests may appear.

(b.3) Insurance Certificates. The Operator shall provide GSA with a Certificate of Insurance evidencing the insurance coverage required upon execution hereof and immediately upon GSA’s or ordering agency’s request at any time thereafter.

(b.4) Workers Compensation. The Operator shall maintain workers compensation insurance providing applicable statutory benefits for all employees performing services. The cost of such workers compensation insurance premiums is the Operator’s responsibility.

(b.5) Conditions of Insurance. Each such policy shall insure Operator’s contractual liability to GSA contained in this Agreement. The geographic limits, if any, contained in

each and every such policy of insurance shall include at the minimum all territories over which the Operator will operate the Aircraft for which the insurance is placed. The insurer for the Operator shall endeavor to give GSA 30 days advance notice of cancellation

### **Indemnification and Limitation of Liability**

#### **(c) Safety Requirements for U.S. Commercial Air Carriers**

##### **Air Carrier Quality and Safety**

(c.1) Prior to award, air carrier quality and safety will be demonstrated by one of the following methods: (i) In accordance with the provisions of 32 CFR 861, Department of Defense Commercial Air Carrier Quality and Safety Review Program, DoD approval has been obtained for the operator proposed for service or (ii) The operator has current, successful Wyvern or ARG/US inspection certification(s) or equivalent.

##### **DoD Temporary Nonuse Status or Suspension**

(c.2) Pertaining to c.1 (i) above, if at any time during the term of the contract, a carrier is placed in temporary nonuse status or suspension by the DoD in accordance with 32 C.F.R. Part 861, the Government may, with no cost or liability to the Government or any department, agency, entity, or official therein, discontinue use of services under the contract for the duration of the period of temporary nonuse/suspension..

(c.3) Safety Standards: An operator under DoD approval shall at all times be in compliance with all requirements (“Air Carrier Quality and Safety”) as outlined in the following provisions:

(i) 32 CFR 861

Title 32: National Defense, Chapter VII: Department of the Air Force

Subpart 861: Department of Defense Commercial Air Transportation Quality and Safety Review Program

(ii) DoD Directives 4500.3

Department of Defense (DoD) Commercial Air Transportation Quality and Safety Review Program.

(iii) 10 USC 2640

Charter Air Transportation of Members of the Armed Forces

**(d) Accessorial Services.** Depending on the needs of the specific trip flown, an agency may request a carrier to provide common air charter accessorial services. These items are optional (do not have to be offered by a charter carrier). The following is a sample of common air charter accessorial services (not all-inclusive) that an agency may wish to secure:

(d.1) Catering services

(d.2) Ground transportation (origin and destination) to/from point of departure/arrival

(d.3) Hotel & other lodging accommodations

(d.4) Lounge & conference room services

- (d.5) Aircraft/Passenger/Cargo Security
- (d.6) Over flying/landing arrangements & permits processing
- (d.7) Flight Dispatch staffing services
- (d.8) Hangar Facilities & Cleaning
- (d.9) Communication/Flightphone services
- (d.10) Multilingual staff
- (d.11) Flight planning services
- (d.12) Additional insurance coverage

Accessorial services must be placed under SIN 599-1000 if not integral to the operation of SIN 599-4 services.

**(e) Reporting Requirements for Business Data Collection:** Mandatory reporting requirements will be classified as either upfront or ongoing data. (A) The upfront data may serve as one criterion in determining if the operator is given an initial GSA schedule award. An operator that wishes to apply for an initial GSA schedule award is expected to be fully aware and compliant with the reporting requirements outlined in this section of the solicitation. (B) Additionally, an operator will be expected to furnish ongoing data at the request of the GSA. These reporting requirements are in addition to the general reporting requirements for all TSS contract award bidders and holders. All GSA reporting is at no additional cost to the Government. The Contractor must delete all Personal Identifiable Information from all GSA reports.

The Government reserves the right to amend this list at anytime. Failure to demonstrate compliance and/or intentionally submitting partial and/or false information with respect to the reporting requirements outlined in Section (e) of this solicitation may result in either (A) rejection of a prospective operator's initial application or (B) termination of schedule award if the violation occurs after a GSA contract has been awarded.

Based upon industry best practices, the identified reporting categories will generally fall into one of the following areas:

(e.1) - Upfront Reporting Requirements:

Factors related to trip specific safety:

- Aircraft accident history (7 year safety history)\*
- Safety ratings from third-party auditors
- Operational control of aircraft and aircraft insurance levels
- Fleet data (age of aircraft, location)
- Pilot roster (covers pilot certifications and experience levels such as type ratings)
- Referrals of clients served to determine customer satisfaction levels
- Copy of 135 or 121 operating certificate (demonstrates how long an operator has been in operation)

(e.2) - Ongoing Reporting Requirements:

Factors related to Operational Safety:

Provide in-depth safety reports on your charter operation (quarterly basis)  
Provide pilot experience and historical safety ratings (quarterly basis)

Factors related to General Operations:

Total number of flights per quarter  
Total number of flights designated by city pair (origin-destination pairs)  
Total number of flights and fees charged by agency  
City pair distance and time data  
Type of aircraft assigned  
If cargo/baggage operations (shipment weight)  
Total number of passengers on assigned flight  
Name of Pilot in Command (PIC), Second in Command (SIC), and relief pilot (if applicable)\*\*  
Name of client base and address  
Customer Satisfaction Measures  
GSA Schedule revenue per quarter  
\* Accidents, incidents, and /or violations (must be reported upon occurrence)  
\*\* Relief is recommended if pilot duty periods exceed FARs 135, Subpart F.  
Savings and billing reporting requirements  
Number of transactions by dollar value of those transactions by ordering agency

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**(f) Required Performance Measurements and Standards:** In addition to the reporting requirements specified in Section (e) "Reporting Requirements for Business Data Collection," the GSA may impose additional performance measures. Historical performance measures may serve as one criterion to determine if the operator is given an initial GSA schedule award. An operator that wishes to apply for an initial GSA schedule award is expected to be fully aware and compliant with the performance measurements outlined in this section of this solicitation. Additionally, an operator will be expected to comply with ongoing performance measurements and standards as outlined in this section of this solicitation.

The GSA reserves the right to immediately terminate a schedule award, which has already been granted should an operator fail to demonstrate compliance with the on-going performance measurements and standards and/or intentionally furnishes partial or false information. Furthermore, the GSA may amend this list anytime, at which time it will notify all award holders of any new requirements. An operator that has been awarded a schedule contract under this solicitation must comply with all performance measurements and standards for the entire length of the award period.

The performance measurements and standards include:

(f.1) Historical Performance Measurements:

FAA Sanctions (past 5 years)



- Accidents (past 5 years)
- Incidents (past 5 years)
- Vehicle Violation (past 5 years)
- Charter Operator PT 135 Certificate\*\* (see below)
  - Certificate Number
  - Certificate Type
  - Certificate Issue Date

\*\* Each operator must hold a Part 135 or Part 121 certificate, and each aircraft must have an airworthiness certificate (Federal Aviation Regulation, Part 119.5: Certification – Air Carriers & Commercial Operators).

(f.2) Historical and On-going Performance Measures

- Status (up front and confirmed annually)
  - Home Base
  - Employment (confirm employment status of crewmembers: active payroll, on disability, or furlough)
  - Pilot Status (pilot currency and criminal offenses)

(f.3) On-Going Performance Measures

The Contractor is required to provide to each of its ordering agencies the following information prior to performing each trip:

- Minimum Crew: (minimum number of crewmembers for operation of aircraft)
- Pilot In Command's (PIC's) Total Time (hours)
- PIC's Time as PIC
- PIC's Time in Type as PIC
- Second In Command's (SIC's) Total Time
- SIC's Time as PIC

**Industry Best Practice Crewmember Minimum Standards for Jet, Turboprop, and Rotorcraft:**

Minimum Number of Crewmembers: 2  
PIC's Total Time (hours): 3,000  
PIC's Time as PIC: 1,500  
PIC's Time in Type of Aircraft as PIC: 100  
SIC's Total Time: 1,000  
SIC's Time as PIC: 500

(f.4) Other Factors:

- \*Medical Standards – refer to Federal Aviation Regulations (FARs) Part 61.23, Subpart A: “Medical Certificates: Requirement and Duration”
  - ✓ Medical Class (1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup>)\*
  - ✓ Medical Date (FAA certified physician check)\*
- Pilot Aircraft Type Rating qualification

\*\* For PIC and SIC – refer to Federal Aviation Regulations (FARs) Part 61: Certification: Pilots, Flight Instructors, and Ground Instructors; Parts 61.55, 61.56, 61.57, and 61.58.

- Pilot In Command (PIC) In-Type\*\*
  - Second In Command (SIC) In-Type\*\*
  - Simulator Training Date
  - Simulator Training Vendor
  - Federal Aviation Regulation (FARs) Compliance Standards
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- ✓ FARs 135.293 – Initial and recurrent pilot testing requirements (sub-paragraphs a1, a2-3, b)
  - ✓ FARs 135.297 – Pilot in command: Instrument proficiency check requirements

**(g) Requirements for submitting a proposal under the GSA Schedules program.** In addition to instructions for all TSS (SIN 599-4) applicants, the following information is required:

(g.1) Operator certifications: Each applicant will include with its application a copy of its Part 135 or Part 121 certificate, and an airworthiness certificate for each aircraft (Federal Aviation Regulation, Part 119.5: Certification – Air Carriers & Commercial Operators). Is there a 121 equivalent?

(g.2) Insurance certificates: Each applicant will include with its application copies of a current Certificate of Insurance evidencing the insurance coverage required in this Section (b) of this solicitation, to include, at minimum, liability and hull insurance.

(g.3) Safety certifications: Each applicant will include with its application copies of all appropriate certificates.

**(h) Audit Standard Requirements:** The prospective carrier (applicant) must meet the minimum criteria as outlined below. The applicant must submit an audit certificate or certificate number as proof of compliance.

(h.1) Operations Ratings  
Management

(h.1.1) Compliance with all policies, procedures and goals outlined by FAA/CAA (Civil Aviation Authority) in Federal Aviation Regulations (FARs) Part 135. A cooperative response to FAA/CAA inspections, (h.1.1) Compliance with all policies, procedures and goals outlined by critiques, or comments should be demonstrated. Cooperative response indicates a reasonable effort on the part of the operator to meet but generally exceed minimum requirements set forth in the FARs.

(h.1.2) Support infrastructure should be provided at the operator's primary facility and en route stations, including: facilities, equipment, parts, and qualified personnel.

(h.1.3) Personnel with prior aviation related management experience must fill key management positions.

(h.1.4) A documented internal quality audit program or other method capable of identifying in-house deficiencies, measuring company's compliance with their

stated policies and standards, and audit results should be analyzed in order to determine the cause, not just the symptom, of any deficiency.

Safety Program (Safety Management System)

(h.1.5) Clear evidence of up-to-date written policies that aircraft operator practices, policies, procedures, and goals are present to enhance the regulatory minimum operations and maintenance standards that have been established by the FAA. The US Department of Defense (DoD), as a customer of air transportation and operational support services, expects air carriers to employ programs and business practices that not only ensure good service but also enhance the safety, operational, and maintenance standards established by applicable Civil Aviation Authority (CAA) regulations. Accordingly, and as required by the 14 CFR 861.1 (a) and (b), the DoD has established a set of quality and safety criteria and requirements that reflect the programs and practices DoD seeks from air carriers. Air carriers must meet and maintain these requirements in order to be eligible for DoD business under this solicitation.

(h.1.6) Each carrier audits itself to detect unsafe practices, and findings are revealed to management, including safety problems. Management is supportive, and takes prompt action to resolve unsafe conditions.

Pilot Records

(h.1.7) A pilot employed by the prospective carrier will be evaluated according to criteria outlined in Section (f) of solicitation.

Flight Crew Hiring

(h.1.8) Established procedures ensure that applicants are carefully screened, including a review of the individual's health and suitability to perform flight crew duties.

(h.1.9) If a carrier hires cockpit crewmembers who do not meet industry standards for experience or qualification, then management provides additional training and observation to ensure high standards are maintained.

Aircrew Training

(h.1.10) Crew Resource Management (CRM) is a best practices measure that is taught, practiced and evaluated during all phases of operations training. There are no general mandates imposed on an operator regarding the frequency of CRM training. However, the expectation is that the frequency of CRM training is sufficient to ensure that the operator meets all Federal Aviation Regulations (all parts) from Title 14 and Code 49 of Federal Regulations. In order to ensure CRM competency, the following minimum areas must be covered:

- (A) Role playing scenarios between crew members to ensure clear channels of communication exist.
- (B) Role playing scenarios that demonstrate how to over-ride a senior crew member's decision if that senior crew member has made an error.
- (C) Delegation of duties under normal circumstances and situations where a senior crew member in a decision making chain-of-command is incapacitated.

(h.1.11) An approved motion-based simulator training course is required for PICs (Pilots in Command) and SICs (Seconds in Command) at least annually in each type of aircraft in which they maintain currency.

(h.1.12) Flight and cabin crews have jet recurrent training as mandated in Federal Aviation Regulations 135.295 and 135.297 respectively.

(h.1.13) Records of training are current and audited by operations management. Currency indicates that personnel records are immediately updated after any session conducted internally and/or by external entities that serves the purpose of verifying and/or adding job specific skills. Each update will record the date, length, instructors, and specific job related skills covered. Acceptable standards for each record will be determined by compliance with all Federal Aviation Regulations Parts from Titles 14 and 49 Code of Federal Regulations.

(h.1.14) Training and evaluation are current and audited by operations management. Currency and acceptable standards are commensurate with A.3.13 in this solicitation.

#### Flight/Cabin Attendant Program

Standards apply as outlined in h.1.10, h.1.12, h.1.13, and h.1.14

#### Crew Scheduling

(h.1.15) Trips are managed to ensure Civil Aviation Regulations (CAR) compliance as well as fatigue reduction as outlined in FARs Part 135: Subpart F.

(h.1.16) The operator's scheduling system tracks flight and duty times for pilots as well as flight attendants.

(h.1.17) Management closely monitors the scheduling process, to evaluate risks, assess the experience level of crews, and ensure the proper pairing of crewmembers. Operators avoid pairing inexperienced first officers with new captains.

Security and Dangerous Goods – Refer to (FARs) Part 135, Subpart K.

Operational Control and Support – As referenced in Department of Transportation (DOT), Federal Aviation Administration (FAA) Notice 8900.4, Guidance for Operations Specifications A002 and A008 (Effective 5/2007)

#### (h.2) Maintenance Ratings

##### Management Personnel

(h.2.1) Ensure that contracted maintenance, including repair and overhaul facilities, is performed by maintenance organizations acceptable to the CAR.

(h.2.2) Maintenance supervisors ensure that, in spite of scheduling pressure, peer pressure, supervisory pressure, or other factors, the aircraft must be airworthy prior to flight.

##### Maintenance Personnel

(h.2.3) Operators, (at their discretion) are expected to hire and train the number of employees that would be reasonably required to safely maintain the company aircraft and support the scope of the maintenance operation both at home station and at en route locations.

(h.2.4) Ensure that all maintenance tasks, including required inspections and airworthiness directives, are performed.

(h.2.5) Maintenance actions are properly documented, and discrepancies identified between inspections are corrected.

(h.2.6) Mechanics must be fit for duty, properly certified with the company's certification and knowledgeable of the necessary aircraft-specific requirements to accomplish the maintenance tasks.

(h.2.7) Non-certified and inexperienced personnel must receive supervision from individuals compliant with FARs Part 43.3.

(h.2.8) Freedom from alcohol and drug abuse is required as outlined in Federal Aviation Regulations FARs Part 135: Subpart E "Flight Crewmember Requirements."

#### Quality Assurance/Quality Control

(h.2.9) The carrier must ensure that a system which continually analyzes the performance and effectiveness of maintenance activities and maintenance inspection programs is required for all operators.

(h.2.10) System evaluates the following functions: reliability reports, audits, component tear-down reports, inspection procedures and results, tool calibration program, real-time aircraft maintenance actions, warranty programs, other maintenance functions. (The extent of this program is directly related to the operator's size and scope of operation.)

(h.2.11) Cause of any recurring discrepancies or negative trend is researched and eliminated. Action is taken to prevent recurrence of these discrepancies and preventive actions are monitored to ensure effectiveness.

(h.2.12) The results of preventive actions are provided to appropriate maintenance technicians.

#### Maintenance Training

(h.2.13) Orientation, familiarization, on-the-job, and appropriate initial and recurrent training for all full and part-time personnel is expected. This training should include aircraft familiarization systems, and job specific duties related to avionics and power plant. The use of such training aids as mockups, simulators and computer-based training enhances maintenance training efforts, and is desired. Initial and recurrent training requirements and frequency are established for each operator as outlined by Federal Aviation Administration (FAA) Advisory Circular (AC) 120-42. All maintenance employees must be in compliance with Federal Aviation Regulations (FARs) Part 43.

(h.2.14) Training documentation is required and must be current, complete, well-maintained, and correctly identifies any special authorizations such as inspection and airworthiness release.

(h.2.15) Trainers/Supervisors are to be fully qualified in the subject matter, as evidenced by holding an A&P Airframe and Power plant license. Qualified personnel are determined by compliance with Federal Aviation Regulation Part 43. Specifically, this applies to FARs Part 43, Subparts: 43.3 and 43.7.

#### Control and Planning

(h.2.16) Qualified personnel must monitor maintenance preplanning, ensure completion of maintenance actions, and track deferred discrepancies. Constant and effective communication is ensured between maintenance and flight operations for exchange of critical information. Qualified personnel are determined by compliance with Federal Aviation Regulation Part 43. Specifically, this applies to FARs Part 43, Subparts: 43.3 and 43.7.

(h.2.17) Deferred maintenance actions are identified to supervisory personnel and corrected in accordance with the criteria provided by the manufacturer or CAR.

#### Maintenance Records

(h.2.18) Maintenance actions are well documented and provide a complete record of maintenance accomplished and, for repetitive actions, maintenance required.

(h.2.19) Such records as aircraft logbooks and maintenance documentation are legibly prepared, dated, clean, readily identifiable, and maintained in an orderly fashion as either hard copy or electronically.

(h.2.20) Inspection compliance, airworthiness release, and maintenance release records, are complete and signed by approved personnel.

#### Fueling and Servicing

(h.2.21) Aircraft is free from contamination; procedures and instructions pertaining to servicing, handling, and storing fuel and oil meet safety standards.

(h.2.22) Procedures for monitoring and verifying vendor servicing practices are included in this program.

#### Maintenance Manuals

(h.2.23) Company policy manuals and manufacturer's maintenance manuals are current, available, clear, complete, and adhered to by maintenance personnel.

(h.2.24) Management policies, lines of authority, and company maintenance procedures are documented in company manuals and kept in a current status.

#### Facilities/Security

(h.2.25) Facilities (shipping, receiving, and stores) areas are clean and orderly.

(h.2.26) Parts are correctly packaged, tagged, and segregated.

Stores/Shelf Life: shelf life is properly monitored for all appropriate items.

(h.3) Regulatory Issues Focal Areas (implemented by FAA) – operator must be in compliance with:

14 CFR Part 135 – Operating Requirements: Commuter and On Demand Operations

14 CFR Part 121 – Operating Requirements: Domestic, Flag, and Supplemental Operations

FARs Part 43 – Maintenance, Preventive Maintenance, Rebuilding & Alteration

FARs Part 61- Certification: Pilots, Flight Instructors & Ground Instruction

FARs Part 67- Medical Standards and Certification

FARs Part 91- General Operating and Flight Rules

FARs Part 119 (as applicable) – Certification: Air Carriers & Commercial Operators

Operations Specifications A008 requirements

FAA Notice 8400.83 – Operational Control Regulations

**(4) FLY AMERICA ACT REQUIREMENTS**

The Contractor shall:

- (a) Ensure that travel is made in accordance with the Fly America Act. This Act requires Federal travelers to use a U.S. flag air carrier service for all air travel funded by the Government except when:
  - (i) Use of a foreign air carrier is determined to be a matter of necessity in accordance with Sec. 301-10.138 of the Federal Travel Regulation; or
  - (ii) The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act; or
  - (iii) The traveler is an officer or employee of the Department of State, or USAID, and travel is paid with funds appropriated to one of these agencies, and travel is between two places outside the United States; or
  - (iv) No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or
  - (v) A U.S. flag air carrier involuntarily reroutes travel on a foreign air carrier; or
  - (vi) Service on a foreign air carrier would be three hours or less, and use of the U.S. flag air carrier would at least double the en route travel time; or
  - (vii) The costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.
  - (viii) Travel occurs between the US and another country:

- (1) If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from the origin to destination, a U.S. flag air carrier service must be used unless such use would extend the travel time, including delay at origin, by 24 hours or more
- (2) If a U.S. flag air carrier does not offer nonstop or direct service (no aircraft change) between the origin and destination, a U.S. flag air carrier must be used on every portion of the route where it provides service unless, when compared to using a foreign air carrier, such use would:
  - a. Increase the number of aircraft changes that the traveler must make outside of the U.S. by 2 or more; or
  - b. Extend the travel time by at least 6 hours or more; or
  - c. Require a connecting time of 4 hours or more at an overseas interchange point.
- (ix) Travel occurs between the US and another country:  
For travel solely outside the US, the traveler must always use a U.S. flag carrier for such travel, unless, when compared to using a foreign air carrier, such use would:
  - a. Increase the number of aircraft changes you must make en route by 2 or more; or
  - b. Extend your travel time by 6 hours or more; or
  - c. Require a connecting time of 4 hours or more at an overseas interchange point

**(5) PRICING FORMATS:**

In general, the following pricing approaches or combination thereof are used when selling air charter services (not all-inclusive). Applicants should submit their proposed pricing for services offered under SIN 599-4 in accordance with one of these formats or in a format which best conveys the service and fee structure. Prices should be submitted for five consecutive 12-month periods, unless basing future pricing on an agreed upon economic price adjustment [see I-FSS-969 ECONOMIC PRICE ADJUSTMENT—FSS MULTIPLE AWARD SCHEDULES (JAN 2002)].

Types of Pricing:

- Hourly rate round-trip (applies to charter operator)
- Hourly rate one-way (applies to charter operator)

Auxiliary service/supply costs that might be included in charter pricing:

- Fuel and or fuel surcharges
- Flight staff (flight attendants, ground/transportation staff, medical staff, et al.)
- Landing Fees (charge paid by an aircraft to an airport company for landing at an airport)
- Hourly rate for repositioning aircraft (“ferry” aircraft legs – empty no passengers)
- Per-mile rate for repositioning aircraft (“ferry” aircraft legs – empty no passengers)
- Number of hours of minimum flight time per 24 hour period (varies)
- Federal Excise Tax
- State Taxes (if applicable)



Segment Fees  
Deicing  
Mobilization Fees  
Ramp Charges  
Overflight/International Fees  
Customs Fees  
Terminal/Ground Handling Fees  
Loading/Unloading  
APU and Huffer Fees  
Departure Time Fees  
Pilot Wait Time Fees  
Ground Ambulance/Medication Fees  
Management Fees  
Accessorial services as described in paragraph (3)(d), above.  
Other (please elaborate)

NOTE: All auxiliary services and supplies (including their descriptions) the offeror is providing in conjunction with air charter services that are not included in the air charter aircraft (block hour, per mile, etc.) price must be priced-out by one of the following methods. The offeror will price-out separately these non-included auxiliary services (1) with a fixed price – per unit of measure (flight, gallon, hour, airport, aircraft type, etc.) as applicable; (2) based on a standard industry price index, or, at a minimum, (3) with a ceiling price – as a “Not To Exceed” amount (per unit of measure). These auxiliary services must be offered under SIN 599-1000. Refer to Section B.5.100 of this solicitation for recommended table formatting procedures.

## **II. CONTRACT TERMS AND CONDITIONS**

### **Standard Air Charter Agreement:**

CHARTER SERVICE: The Contractor will operate the flights in accordance with, and subject to, the terms and conditions negotiated herein to transport persons in accordance with the provisions of FARs Parts 121 or 135. The Contractor’s pilots, who shall be in command of the aircraft at all times, shall be entitled to make all decisions regarding the boarding (or refusal to board) any passengers and the acceptance or rejection of any baggage on any flight.

#### **FLIGHT CANCELLATIONS:**

(a) The ordering agency may cancel the trip at any time prior to the initial flight subject, to a cancellation charge. If a cancellation charge is assessed, it shall be no greater than that assessed to commercial customers and must be identified in the GSA Schedule. If the ordering agency cancels a return flight, it may be subject to the full cost of the trip.

(b) The Contractor shall return to the ordering agency any money received for a trip that is cancelled by the carrier for any reason other than a cancellation by the ordering agency.

TRAVEL DOCUMENTS: The ordering agency will be responsible for ensuring that passengers have in their possession all required travel documents for all flights,

including passports and visas. The ordering agency will ensure passengers display their respective photographic identifications to the carrier or its pilot in command of the aircraft prior to each flight, and to comply with any other applicable security requirements and procedures.

**PASSENGER BEHAVIOR:** The ordering agency will instruct the passengers to act in a reasonable and professional manner while aboard the Aircraft and to comply with the directives and instructions of the pilots in command of the Aircraft.

The Contractor will hold, in escrow, any funds received from the ordering agency for a trip until completion of the trip or, if sooner, upon cancellation of the trip (or the remaining part of any trip) by the ordering agency or carrier, at which time such funds shall be applied to ordering agency's obligations to the carrier under this agreement and/or refunded to ordering agency, as provided above.

### III. TOP-LEVEL EVALUATION CRITERIA

GSA will use the table below to assist in conducting a preliminary evaluation of Offeror's qualification under SIN 599-4 AIR CHARTER SERVICES-OWNER OPERATED:

General Criteria (Disqualification Criteria)		Pass	Fail
1	Company is insolvent or in bankruptcy		
2	Aircraft meets mission requirements specified by user		
3	Entity with operational control identified for each segment		
4	Minimum insurance coverage levels met & insurance certificate provided		
5	Company meets responsibility requirements of FAR Part 9		

Trip Specific Safety Criteria (Upfront Reporting)		Pass	Fail
1	Part 135 certificate provided (if applicable)		
2	Part 121 certificate provided (if applicable)		
3	Airworthiness certificate verified		
4	No significant aircraft damage or serious maintenance anomalies		
5	Pilot certifications and experience levels certified		
6	Inspection compliance, airworthiness release, and maintenance release records are complete and signed by approved personnel		

Performance Measurement Criteria (Upfront Criteria)		Pass	Fail
1	FAA sanctions verified (past 5 years)		
2	Vehicle violation verified (past 5 years)		
3	Accident history verified for entire organization (past 5 years)		
4	Incident history verified for entire organization (past 5 years)		